

ORDINANCE NO. 210

**AN ORDINANCE PROHIBITING
MARIJUANA PROCESSING SITES,
MEDICAL MARIJUANA DISPENSARIES,
MARIJUANA PRODUCERS,
MARIJUANA PROCESSORS,
MARIJUANA WHOLESALERS,
AND MARIJUANA RETAILERS
IN MALHEUR COUNTY**

WHEREAS, the Oregon legislature enacted House Bill 3400 (2015), which allows counties to prohibit various activities relating to the producing, processing, wholesaling, selling, and dispensing of marijuana if not less than 55% of votes cast in the county, during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and

WHEREAS, 68.72% of votes cast in county-wide during the statewide general election held on November 4, 2014, on Ballot Measure 91, (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and

WHEREAS, 72.22% of the votes cast in the unincorporated areas of Malheur County during the statewide general election held on November 4, 2014, on Measure 91, (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and

WHEREAS, 21 USC § 801, *et seq*, the Federal Controlled Substances Act, prohibits the manufacture, distribution, and possession of marijuana, and imposes criminal penalties for violating the act; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of Malheur County to prohibit the establishment of various activities relating to the producing, processing, wholesaling, selling, retailing and dispensing of marijuana in the area subject to the jurisdiction of Malheur County.

NOW THEREFORE, THE MALHEUR COUNTY COURT ORDAINS AS FOLLOWS:

SECTION 1. The following Sections are hereby added to the Malheur County Code Title 3 Chapter 14:

PROHIBITED ACTIVITIES RELATED TO MARIJUANA. The establishment or maintenance of any one or more of the following is prohibited within the jurisdictional limits of Malheur County:

- (A) Marijuana processing sites registered under section 85 of House Bill 3400 (2015);
- (B) Medical marijuana dispensaries registered under ORS 475.314;
- (C) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;
- (D) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;
- (E) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015; and
- (F) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; and
- (G) Any combination of the entities described above or under section 133 of House Bill 3400 (2015).

FINE FOR VIOLATION. A violation of this section is a class A violation under title 1, Chapter 9, Article A, “General Enforcement Provisions”, of this code. Each day such violation continues shall be considered a separate violation.

CIVIL ACTION. In addition to, or in lieu of, the imposition of a fine, Malheur County may initiate a civil action against any person or entity violating this ordinance for any and all remedies available under Oregon law, including but not limited to obtaining mandatory and prohibitory injunctions and orders of abatement. Malheur County shall be entitled to collect its costs and expenses, including reasonable attorney fees incurred at trial, hearing or on appeal.

SEVERABILITY. If any part or section of this ordinance is invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this ordinance shall not be in any way impaired.

DONE AND DATED this ____ day of August 2015.

—

County Judge Dan P. Joyce

County Commissioner Don Hodge

County Commissioner Larry Wilson

ATTEST:

Kim Ross, Recording Clerk